

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FINJAN SOFTWARE, LTD., an Israel corporation,)	
)	
)	
Plaintiff-counterdefendants,)	Civil Action No. 06-00369-GMS
)	
v.)	
)	
SECURE COMPUTING CORPORATION, a Delaware corporation; CYBERGUARD CORPORATION, a Delaware corporation, WEBWASHER AG, a German corporation and DOES 1 THROUGH 100,)	
)	
)	
Defendants-counterclaimants.)	
)	

**SECURE COMPUTING CORPORATION'S DISCLOSURE OF PRIOR ART
PURSUANT TO 35 U.S.C. § 282**

Pursuant to 35 U.S.C. § 282, Secure Computing Corp. (hereafter “Secure Computing”) hereby provides the following notice to Finjan Software, Ltd. and Finjan Software, Inc (hereafter collectively “Finjan”). Secure Computing has previously identified prior art patents and publications to Finjan’s patent in expert reports and interrogatory responses. Therefore, Secure Computing’s notice incorporates by reference the full contents of the expert reports and exhibits of Dr. Dan Wallach and the patents, publications and any other references identified therein. This notice also incorporates by reference all of Secure Computing’s Responses to Finjan’s Interrogatories.

A. PATENTS AND PUBLICATIONS

In addition to the patents, publications and other prior art previously disclosed in, among other things, Secure Computing’s discovery responses, pleadings (including documents submitted therewith), and expert reports, the following patents and publications demonstrate anticipation or obviousness of the Finjan patents in suit, U.S. Patent Nos. 6,092,194; 6,804,780; and 7,058,822, or show the state of the art:

Patent or Publication	Date	Production Numbers ¹
U.S. Patent No. 6,571,338 titled "Maintaining Packet Security in a Computer Network" Inventors: Sami Shaio; Arthur Van Hoff	Filed: 12/20/1995 Issued: 5/27/2003	SC202564-75
U.S. Patent No. 5,414,833 titled "Network Security Systems and Method Using a Parallel Finite State Machine Adaptive Active Monitor and Responder" Inventors: Paul C. Hershey; Donal B. Johnson; An V. Le; Stephen M. Matyas; John G. Waclawsky; John D. Wilkins	Filed: 10/27/1993 Issued: 5/9/1995	SC188684-727
U.S. Patent No. 5,623,600 titled "Virus Detection and Removal Apparatus for Computer Networks" Inventors: Shuang J; Eva Chen	Filed: 9/26/1995 Issued: 4/22/1997	SC201471-91
U.S. Patent No. 5,951,698 titled "System, Apparatus and Method for the Detection and Removal of Viruses in Macros" Inventors: Eva Y. Chen; Jonny T. Ro; Ming M. Deng; Leta M. Chi	Filed: 10/2/1996 Issued: 9/14/1999	SC189335-53
U.S. Patent No. 5,983,348 titled "Computer Network Malicious Code Scanner" Inventor: Shuang Ji	Filed: 9/10/1997 Issued: 11/9/1999	SC201658-66
U.S. Patent No. 6,263,442 titled "System and Method for Securing a Program's Execution in a Network Environment" Inventors: Marianne Mueller; David Connolly	Filed: 5/30/1996 Issued: 7/17/2001	SC189596-603
U.S. Patent No. 5,864,683 titled "System for Providing Secure Internetwork by Connecting Type Enforcing Secure Computers to External Network for Limiting Access to Data Based on User and Access Rights"	Filed: 10/19/1994 Issued: Jan. 26, 1999	SC200001-37
U.S. Patent No. 5,892,904 titled "Code Certification for Network Transmission" Inventors: Robert G. Atkinson, Robert M. Price, Aaron M.	Filed: 12/6/1996	SC200038-61

¹ The production numbers provided are representative only. Secure Computing is providing these numbers for reference and notice purposes only, and is not representing that it will be relying on these particular copies.

Contorer	Issued: Apr. 6, 1999	
The Firewall Toolkit (FWTK) 2.0 Beta release	Revised March 1996 - September 1996	
<i>"Towards a Testbed for Malicious Code Detection,"</i> Raymond W. Lo et al., Compcon Spring '91 Digest of Papers at 160-66 (IEEE)	25 Feb. - 1 Mar. 1991	SC189227-33
<i>"Towards a Testbed for Malicious Code Detection,"</i> Raymond W. Lo, et al. from the Lawrence Livermore National Laboratory	1991	SC189650-58
<i>"MCF: A Malicious Code Filter,"</i> Raymond W. Lo et al.	May 4, 1994	SC189272-98
Microsoft Corp., <i>"Microsoft Authenticode Technology: Ensuring Accountability and Authenticity for Software Components on the Internet,"</i>	Oct. 1996	SC000749-63
<i>"Combating Viruses Heuristically,"</i> Franz Veldman, Virus Bulletin Conference 67-76	Sept. 1993	SC200423-32
W. Timothy Polk et al., Anti-Virus Tools and Techniques For Computer Systems, pp. 12-27	1995	SC189299-316
Rasmusson, et al., <i>"Personal Security Assistance for Secure Internet Commerce (position paper),"</i> available as dvi, ps, html, at http://www.sics.se/~ara/papers/NSP96.html	1996	
David Marcionek, <i>A Complete ActiveX Web Control Tutorial,</i> available at http://www.codeproject.com/KB/COM/CompleteActiveX.aspx	2006	SC189609-32
David M. Martin Jr., <i>Blocking Java Applets at the Firewall,</i> available at http://www.cs.bu.edu/techreports/pdf/1996-026-java-firewalls.pdf	1997	SC200386-96
Rune Skardhamar, VIRUS: Detection and Elimination, p.33- 48	1996	SC189317-34
Jan Hruska, Computer Viruses And Anti-Virus Warfare (Second Revised Edition), p.87-95	1992	SC189354-64
IS Tutorial Group, Active Content Security	Dec. 13, 1999	SC200287-321
David J. Stang, Computer Viruses and Artificial Intelligence, Virus Bulleting Conference	1995	SC200433-55
Raymond Lo, Static Analysis of Programs With Application to Malicious Code Detection, Dissertation	1992	SC189404-594
Baudouin Le Charlier et al, Dynamic Detection and Classification of Computer Viruses Using General Behaviour Patterns,	July 2, 1996	SC200484-505
Magnus Johannsen, Java Security and a Firewall Extension For Authenticity Control of Java Applets	Jan. 29, 1997	SC200851-55

B. WITNESSES

In addition to the persons previously disclosed in, among other things, Secure Computing's discovery responses, pleadings (including documents submitted therewith), and expert reports, Secure Computing also discloses the following names and addresses of persons who may be relied upon as the prior inventor or as having prior knowledge of or as having previously used or offered for sale the invention of the patent in suit:

Shlomo Touboul, alleged inventor, and former CEO and Founder of Finjan	Yoggie Security Systems Ltd. Beit Halevy, Israel 42870
David Kroll, alleged inventor	Address unknown
Yigal Edery, alleged inventor	Address unknown
Nimrod Vered, alleged inventor	Address unknown
Dan Frommer, former VP of Products at Finjan	Address unknown
Professor Dan Wallach, Expert	Rice University P.O. Box 1892 Houston, TX 77251-1892
Giovanni Vigna, Expert	Department of Computer Science University of California Santa Barbara, CA 93106-5110
Todd Heberlein, Expert	39427 Spanish Bay Place Davis, CA 95616
Trent Jaeger, Expert	153 Brothers Court Port Matilda, PA 16870
Matt Bishop, Expert	Department of Computer Science University of California, Davis One Shields Ave. Davis, CA 95616-8562

Secure Computing also identifies persons with knowledge of the following products:

Trusted Information Systems, Firewall Toolkit (FWTK);

Finjan Surfinshield;

Finjan SurfinGuard;

Finjan SurfinBoard;

Finjan SurfinGate.

OF COUNSEL:

Ronald J. Schutz
Jake M. Holdreith
Christopher A. Seidl
Trevor J. Foster
ROBINS, KAPLAN, MILLER &
CIRESI L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402
(612) 349-8500

Kelly E. Farnan

Frederick L. Cottrell, III (#2555)
cottrell@rlf.com
Kelly E. Farnan (#4395)
farnan@rlf.com
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899
(302) 651-7700

ATTORNEYS FOR SECURE COMPUTING

February 1, 2008

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 1, 2008, I electronically filed the foregoing with the Clerk of Court using CM/ECF and caused the same to be served on the defendant at the addresses and in the manner indicated below:

E-MAIL AND HAND DELIVERY

Philip A. Rovner
Potter Anderson & Corroon LLP
1313 N. Market Street,
Hercules Plaza, 6th Floor
Wilmington, DE 19899-0951

I further certify that on February 1, 2008, the foregoing document was sent to the following non-registered participants in the manner indicated:

E-MAIL

Paul J. Andre
Radhika Tandon
Perkins Coie LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114

Kelly E. Farnan
Kelly E. Farnan (#4395)